



State of Rhode Island and Providence Plantations
DEPARTMENT OF EDUCATION
Shepard Building
255 Westminster Street
Providence, Rhode Island 02903-3400

Deborah A. Gist
Commissioner

To: District Superintendents

From: J. David Sienko, Director
Office of Student Community and Academic Supports (OSCAS)

Date: March 18, 2011

Re: **Notice of Waiver for Learning Disability Identification Using a Response to Intervention (RTI) Process for Middle and High School Students**

The State Criteria for the Identification of Specific Learning Disabilities was adopted by the Board of Regents June 4, 2009, and phases in the requirement for Local Educational Agencies (LEAs) to utilize a student's response to intervention in the identification of specific learning disabilities. This requirement phases out the use of severe discrepancy in making the learning disability determination for special education eligibility. These criteria require secondary schools to use a process based on the student's response to intervention and prohibit the use of the severe-discrepancy model, beginning September 1, 2011.

In approving the State Criteria, the Board of Regents acknowledged that a solid and fully implemented Response to Intervention (RTI) system is necessary in order to make valid and reliable eligibility determinations using a student's response to intervention. The Board of Regents thus allowed LEAs the option to apply for a waiver to delay the requirement for up to one year. The waiver only pertains to RI Special Education Regulations governing the use of RTI for identifying a student with a Learning Disability and does not waive RTI requirements under any other state regulation (i.e. Basic Education Program and Secondary Regulations).

Implementation of RTI may vary in LEAs and individual schools within an LEA. LEAs that do not have fully implemented RTI systems in place to provide valid and reliable data with which to make eligibility determinations, in all eight areas of specific learning disabilities in all secondary schools, are encouraged to apply for a waiver. In addition, LEAs must include in their special-education policies and procedures their method of determining special-education eligibility for specific learning disabilities. Policies and procedures should clearly delineate which method is being used at which schools and for which areas of a specific learning disability.

All LEAs must indicate in writing to RIDE their intention to apply for or forgo a waiver to delay the requirement to use a student's response to intervention in determining special education eligibility under Specific Learning Disabilities:

1. Indicate in writing, using the attached form, whether or not the LEA intends to apply for the waiver by April 4, 2011.
2. If the LEA is applying for the waiver,
 - a. submit a letter from the Superintendent along with
 - b. the completed RI RTI Implementation Self Assessment and comprehensive action plan in its entirety by May 6, 2011.

The self-assessment and the *Rhode Island Criteria and Guidance for the Identification of Specific Learning Disabilities* are available on the RIDE Web site to support an accurate assessment of the LEA's readiness to implement the new criteria:

[http://www.ride.ri.gov/Special_Populations/Programs_Services/Learning_Disabilities_and_Response_to_Intervention_\(RTI\).aspx](http://www.ride.ri.gov/Special_Populations/Programs_Services/Learning_Disabilities_and_Response_to_Intervention_(RTI).aspx)

Completion of an accurate Rhode Island RTI Implementation Self-Assessment and comprehensive action plan is essential to ensure a fully implemented RTI system is in place by September 1, 2012. To guide this process, to provide information, and to answer questions, there will be four Secondary LD RTI Waiver Work Sessions for an audience of LEA middle and high school principals, the Curriculum Director, RTI Coordinators/Team Leaders, and the Directors of Special Education. Work sessions are offered on the RIDE calendar and online registration is required:

- Tuesday, April 5th @ East Bay Collaborative 8-11 a.m.
- Thursday, April 7th @ Rhode Island College (Alger 110) 8-11 a.m.
- Tuesday, April 12th @ Northern Rhode Island Collaborative (401A & B) 8-11 a.m.
- Thursday, April 14th @ Southern Rhode Island Collaborative 8-11 a.m.

The work session will clarify the purpose of the self-assessment as a waiver of the LD eligibility requirement, but also demonstrate its use as a tool to guide RTI implementation (which is not being waived). A team representing the district members as described above must rate their secondary implementation in each domain, cite evidence, and create action plans. This process may take more than one meeting, but the time dedicated will give the LEA and school sites a communication and planning tool when preparing for the next school year, as well as a "live" document to review periodically for implementation monitoring.

Please contact Nicole Bucka, at (401) 495-2025, or NBucka@nric-ri.org or Michele Walden-Doppke, at (401) 495-2025, or MWalden-Doppke@nric-ri.org, with questions on the waiver self-assessment process or for assistance developing a comprehensive action plan.

All correspondence relating to the waiver should be addressed to:

J. David Sienko
Director, Office of Student, Community and Academic Supports
RTI Waiver for LD Process
R.I. Department of Elementary and Secondary Education
255 Westminster Street, 5th floor
Providence, R.I. 02903